



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

March 17, 2015

Keith and Agnes Tetter
1653 Valley Avenue
McLean, VA 22101

Re: Request for Additional Time
Keith and Agnes Tetter, SP 2014-DR-145

Dear Mr. and Ms. Tetter:

At its March 11, 2015 meeting, the Board of Zoning Appeals took action to **APPROVE** your request for additional time for the above-referenced application. The new expiration date is April 29, 2016.

If you have any questions, please contact your Staff Coordinator, Lauren Bowes, at 703-324-1290.

Sincerely,

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals

CC: Diane Johnson-Quinn, Deputy Zoning Administrator
Zoning Permit Review Branch

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1280
FAX 703 324-1207
www.fairfaxcounty.gov/dpz/



ADMIN. Additional Time to Commence Construction Approved with Special Permit SP 2014-DR-145, Keith and Agnes Tetter, Located at 1653 Valley Avenue, Tax Map 31-3 ((9)) (3) 1A, Dranesville District.

ISSUE: Board of Zoning Appeals (BZA) consideration of additional time to commence construction for SP 2014-DR-145 pursuant to the provisions of Sect. 8-015 of the Zoning Ordinance.

RECOMMENDATION: Staff recommends that the BZA approve the request for additional time for SP 2014-DR-145, to April 29, 2016.

BACKGROUND: On October 29, 2014, the BZA granted special permit SP 2014-DR-145. The application was filed in the name of Keith and Agnes Tetter to permit:

- an accessory dwelling unit pursuant to Sect. 8-918;
- a reduction in certain yard requirements to permit an addition 29.6 feet from the front lot line and 13 feet from a side lot line pursuant to Sect. 8-922;
- and a reduction in minimum yard requirements based on error in building location to permit the dwelling to remain 7.4 feet from a side lot line pursuant to Sect. 8-914

of the Fairfax County Zoning Ordinance for the property described as Tax Map 31-3 ((9)) (3) 1A (see Locator Map in Attachment 1). The development conditions and approved plat for the application are included as part of the Resolution contained in Attachment 2. SP 2014-DR-145 was approved with a requirement that the use be established within 6 months of the approval date (note that the addition and garage are included in the establishment of the use). The expiration date is April 29, 2015.

Under Sect. 8-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the BZA, an approved special permit shall automatically expire without notice unless additional time is approved by the BZA. A request for additional time must be filed with the Zoning Administrator prior to the expiration of the special permit. The BZA may approve additional time if it determines that the construction remains in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

The Department of Planning and Zoning received a request dated January 20, 2015, from Keith Tetter, requesting additional time to commence construction of the 2-story addition and garage approved with SP 2014-DR-145. The applicants are requesting an extension of 12 months. The letter of request is included as Attachment 3.

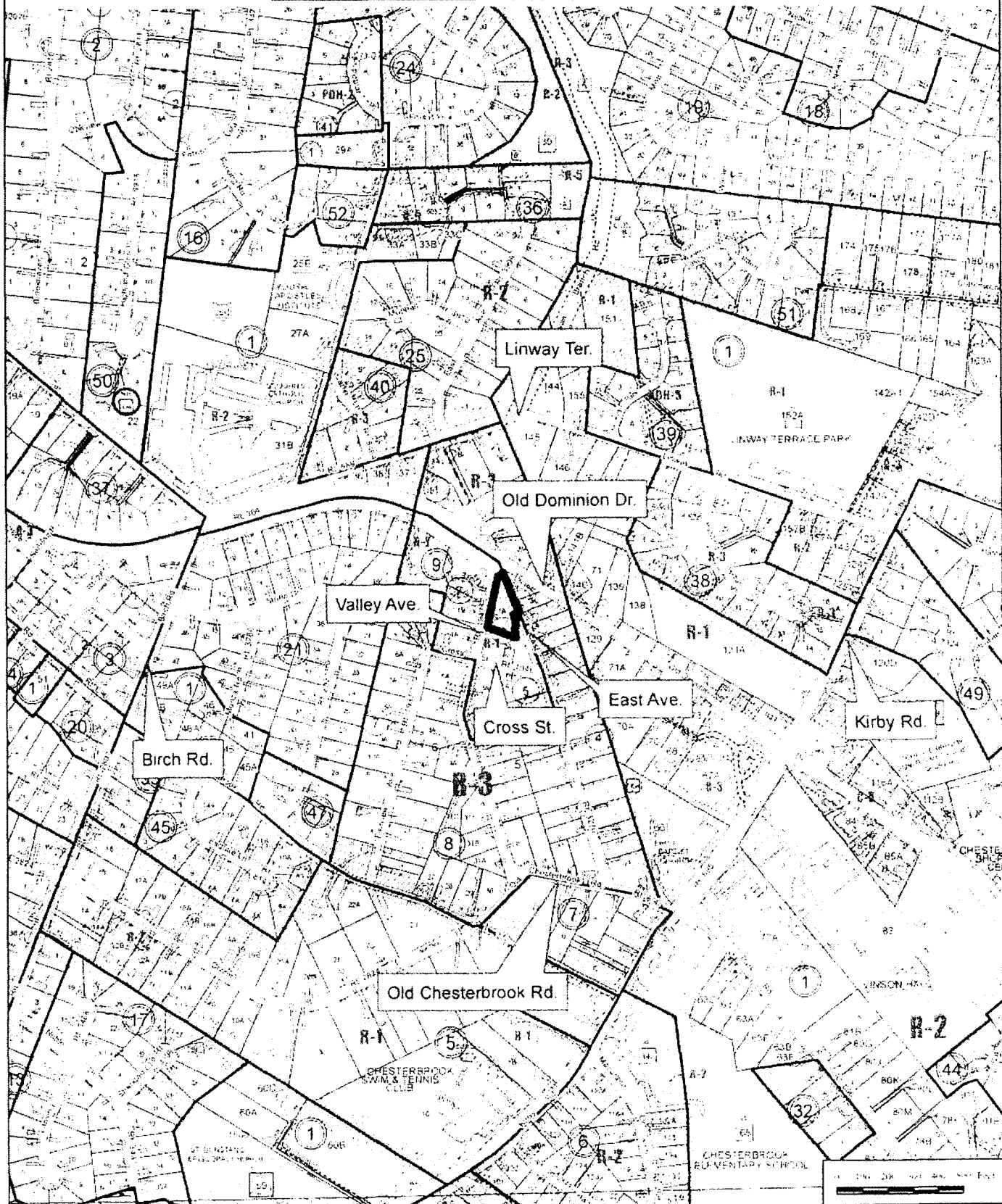
Staff has reviewed special permit SP 2014-DR-145 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Staff knows of no changes in land use circumstances which affect the compliance of SP 2014-DR-145 with the standards applicable to this use and which should cause

the filing of a new special permit application and review through the public hearing process. Finally, the conditions associated with the BZA's approval of SP 2014-DR-145 are still appropriate and should remain in full force and effect.

ENCLOSED DOCUMENTS: 1) Locator Map; 2) Resolution and plat for SP 2011-SP-107; 3) Letter from Keith Tetter, applicant, requesting additional time to commence construction, dated January 20, 2015.

STAFF: Brent Krasner, Chief, Special Permit and Variance Branch,
Zoning Evaluation Division, DPZ;
Lauren M. Bowes, Planner, Zoning Evaluation Division,
DPZ

Special Permit
SP 2014-DR-145
KEITH & AGNES TETTER



COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KEITH & AGNES TETTER, SP 2014-DR-145 Appl. under Sect(s). 8-914, 8-918, and 8-922 of the Zoning Ordinance to permit an accessory dwelling unit, reduction in certain yard requirements to permit addition 29.6 ft. from front lot line and 13 ft. from side lot line, and reduction in minimum yard requirements based on error in building location to permit dwelling to remain 7.4 ft. from side lot line. Located at 1653 Valley Ave., McLean, 22101, on approx. 18,409 sq. ft. of land zoned R-1. Dranesville District. Tax Map 31-3 ((9)) (3) 1A. (Continued from 10/8/14.) Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 29, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The owners of the property are the applicants.
2. The zoning district is R-1, with a lot size of 18,409 square feet.
3. The Board has determined the applicants have met the specified criteria thereunder.
4. Staff recommended approval.
5. The criteria for the accessory dwelling was certainly met as well as the various setbacks in accordance with the Master Plan.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. The error exceeds ten (10) percent of the measurement involved, or
- B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
- C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and

- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- F. It will not create an unsafe condition with respect to both other property and public streets, and
- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
- H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the accessory dwelling unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
- 2. This approval is granted to the applicants only, Keith and Agnes Tetter, and is not transferable without further action of this Board, and is for the location indicated on the application, 1653 Valley Avenue, and is not transferable to other land.
- 3. This special permit is approved for the location of the dwelling and addition as shown on the plat titled "Plat Showing the Improvements on Lot 1-A, Block 3 of Lane's Resubdivision of Divine's Chesterbrook," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated September 4, 2013, as submitted with this application and is not transferable to other land.

4. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE IN THE ACCESSORY DWELLING UNIT** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 874 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. All applicable permits and final inspections shall be obtained for the kitchen components in the accessory dwelling unit.
9. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance, or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. All parking shall be provided on site.
12. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 2 of these conditions.
13. At the time of building permits or grading plan, the applicant shall provide a 10-year Tree Canopy Calculation as set forth in PFM 12-0511, outlining preserved and proposed landscaping.

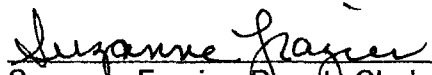
14. At the time of building permits or grading plan, if necessary, the applicant shall provide a floodplain analysis to determine the water table level for the unmapped floodplain.
15. The applicant shall remove and/or relocate the existing shed located in a front yard of the property to comply with the Zoning Ordinance location regulations.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 7-0.

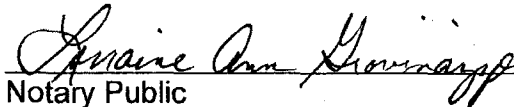
A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

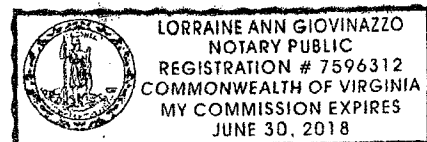
ACKNOWLEDGEMENT

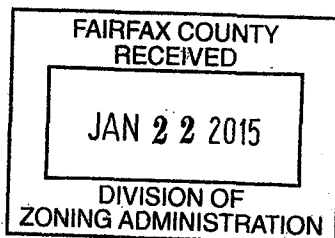
COUNTY OF FAIRFAX
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 4th day of November, 2014.


Notary Public

My commission expires: 6/30/18





Keith and Agnes Tetter
1653 Valley Avenue
McLean, VA 22101
Special Permit SP 2014-DR-145

January 20, 2015
Leslie B. Johnson, Zoning Administrator,
Department of Planning and Zoning
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508

RECEIVED
Department of Planning & Zoning

JAN 22 2015

Zoning Evaluation Division

Re: Special Permit SP 2014-DR-145 - Keith and Agnes Tetter
1653 Valley Avenue, Pimmit Park El Nido
Tax Map Ref: #31-3 ((9)) (3) 1A
Zoning District: R-1

Dear Leslie B. Johnson,

We are writing in effort to both inform you that construction for the above-referenced special permit, SP 2014-DR-145, has begun. However, the Addition and Garage portion of the Special Permit is currently in the final design process. During our meeting with Ms. Julie Cline, DPZ Manger & Casey Gresham, DPZ Staff Coordinator, prior to the BZA approval we had discussed that we require three (3) phases due to second mortgages to complete project SP 2014-DR-145. During our meeting, we all had discussed a target time of 18 months and upwards to 30 months, by request. Therefore, in accordance with Sect 8-015 of the Zoning Ordinance, the above-referenced special permit, we are, at this time, requesting an extension from April 29, 2015 to April 29, 2016. Please feel free to contact me (240-818-1874) with any question(s).

Thank you,

A handwritten signature in dark ink, appearing to be "Keith Tetter".

Keith Tetter